

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6066 of 2018**Kuldhhar Nag S/o Tikaram Nag Aged About 20 Years R/o Village
Chilhagudapara, Village Kumhli P. S. Bandaji District Bastar CG

---- Applicant

Versus

State of Chhattisgarh Through The P. S. Bandaji District Bastar CG

---- Respondent

For applicant	Mr. P.K. Tulsiyan, Adv.
For Respondent/State	Mr. Suryakant Mishra, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****22-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 3/2018 registered in police station Bandaji, Distt. Bastar (CG) for offence punishable under Section 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Perused the case diary.
4. Prosecution story in brief is that on 7-7-2016 the prosecutrix was aged 16 years and few days. She is a resident of village Bandaji. From 7-7-2016 to August 2017, the applicant committed sexual intercourse with the prosecutrix on the pretext of marriage. She became pregnant and then gave birth to a male child. The applicant neither marry the prosecutrix nor accepted the male child.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he may be released on bail.
6. On the other hand, the State Counsel opposed the bail application.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, further looking that the applicant committed sexual intercourse with the prosecutrix and did not fulfill his promise of marriage, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge